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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,683	06/19/2006	Jurgen Hofer	2003P06872WOUS	1347

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

GIRMA, FEKADESELEASS

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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05/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/561,683	Applicant(s) HOFER ET AL.	
	Examiner Fekadeselassie Girma	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>22 December 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In the preliminary amendment filed on December 22, 2005, claims 1-4 have been cancelled and claims 5-8 have been newly added. Therefore, claim 5-8 are currently pending.

Specification

3. The disclosure is objected to because of the following informalities: The complete meaning of the acronyms has to be stated at least once in the description.

An appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Flick (US 2002/0098835).

As to claim 5, Flick disclose in, Remote control system using a cellular telephone and associated methods, having claimed: a radio remote control 12; a transmit/receive unit 16; a controller 18; an acoustic indicator read on ¶ 0038, Lines 1-6; an antenna 34; assignment mode met by learning mode (¶ 0030, Lines 5-7); return to a standard radio range met by operation mode (¶ 0030, Lines 5-7); indicator to indicate a start or a completion of assignment mode read on ¶ 0038, Lines 1-6 & ¶ 0044.

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As to claim 7, Flick further discloses a radio range is decreased by reducing a receiving sensitivity of the transmit/receive unit read on ¶ 0043, Lines 1-2.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flick in view of Hillyard (US 2003/0027526).

As to claim 6, Flick discloses all claim limitation except decreasing range by reducing power. However, Hillyard in, providing a system and method for allowing two or more peer-to-peer wireless devices to automatically connect, teaches the radio range is decreased by reducing a transmission power of the radio remote control read on ¶ 0007. The artisan recognizes the obviousness of common consumer devices which took advantage of the same RF band, like wireless transmitters, Baby monitors, garage-door openers and some cordless phones all make use of frequencies in the ISM band. The BT design employs various techniques to reduce interference between these devices and BT transmissions. Thus reducing the probably of BT devices interfering with one another. This technique also minimizes the risk that other non-BT devices such as portable phones or baby monitors will disrupt BT devices.

Therefore it would have been obvious to one of ordinary skill in the art to incorporate the System and method for establishing a connection between wireless devices of Hillyard into Flick

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in order to avoid interference of signals from other devices.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flick in view of Charles (US 6366237).

As to claim 8, Flick discloses all claim limitation except adjusting the function of antennas to reduce the range. However, Charles in, antennas for land cellular radio communications networks, teaches the radio range is decreased by adjusting a function of the antenna read on Col. 3, Lines 24-31. The artisan recognizes the obviousness of One of the means used for adjusting such coverage consists in modifying the tilt of the antenna (i.e. the angle at which its radiation pattern slopes relative to the horizontal) for the purpose of reducing (or sometimes increasing) the range of a base station. Antenna tilt modification is also used to reduce interference caused by a base station serving a remote cell in which the same spectrum resources are used in order to increase the capacity of the network.

Therefore it would have been obvious to one of ordinary skill in the art to incorporate the adjustable tilt antenna of Charles into Flick in order to minimize the effect of receive interference from wireless transmission and increase the capacity of the network by adjusting the tilt of an antenna.

Citation of Other Prior Arts

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tyroler discloses in tracking, presence verification and locating features as part of a security system (US 2005/0099299), Ying discloses in remotely controllable wireless energy

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control unit (US 6861956), and Borlez discloses in Planar antenna (US 6700542).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fekadeselassie Girma whose telephone number is (571) 270-5886. The examiner can normally be reached on Monday thru Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FG/

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612